

Attorney Docket No. P13314-US2

REMARKS/ARGUMENTS**1.) Claim Amendments**

Claims 1 through 14 are pending in the application. They have not been amended, but a courtesy copy of the claims is provided above.

2.) Examiner Objections - Drawings

Figs. 1, 2, and 3 were objected to because they should be designated by a legend such as "Prior Art". The Applicant has amended Figs. 1, 2 and 3 to add the "Prior Art" legend and has filed under separate cover a Submittal of Replacement Drawing Sheet and attached a copy of that submittal. The Examiner's approval of the amended drawings is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-4, 6-11, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Hameleers, et al. (US 6,377,799) in view of Lu, et al. (US 5,761,195). The Examiner rejected claims 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Hameleers in view of Dommety, et al. (US 6,654,361). The Applicant respectfully traverses this rejection because Hameleers is 102(e) art and was commonly owned at the time this invention was made.

The Hameleers patent lists "Ericason Inc." of Plano, Texas as the assignee on the face of the patent. However, this assignee information contains a typographic mistake. A review of the USPTO's assignment records reveals that the assignee is actually Ericsson Inc. At the time the invention was made, Ericsson Inc. was and is wholly owned by Telefonaktiebolaget LM Ericsson, a Swedish corporation.

Statement of Common Ownership:

This present application and the Hameleers patent were, at the time of the invention of the present application, owned by, or subject to an obligation of assignment to Telefonaktiebolaget LM Ericsson, a Swedish corporation.

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This present application was filed after November 29, 1999. Accordingly, Applicant asserts that the subject matter of Hameleers is disqualified as prior art under 35 U.S.C. § 103(c).

Because neither Lu nor Dommety teach all of the claim elements and Hameleers is disqualified as prior art, a 103 rejection is not proper. Therefore, the allowance of the pending claims is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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